

REMARKS

This amendment is proposed responsive to the Office Action dated January 28, 2004.

As set forth in the Detailed Action section of the Office Action, all of the claims currently pending in the application, namely, claims 1-14, stand rejected under 35 U.S.C. 102(b) as being anticipated by Hirsch U.S. Patent No. 3,737,192.

Responsive to the rejection of claims 1-14, Applicant herein proposes to amend claims 1, 2, 4, 7, 8 and 10 to more particularly claim the invention and patentably distinguish the claims over the cited reference. With entry of the present amendments, the claims would be believed to be patentable and distinguishable over the cited prior art and allowable.

Turning to claim 1, a proposed amendment to that claim recites that a linkage assembly operatively connected to a frame portion and to a cab supported at a predetermined location on a front end of the frame portion is movable for raising the cab relative to the frame portion to a position substantially directly above the predetermined location to create a space underneath the cab to allow installation of the rotor body through the space and removal of the rotor from the body through the space. Applicant respectfully asserts that an apparatus for installing and removing a harvesting combine rotor including this limitation in combination with the other limitations of proposed amended claim 1, is not disclosed, taught and/or suggested by the cited Hirsch reference. Applicant directs the Examiner's attention to Fig. 2 of the Hirsch patent, which shows the cab of that device pivoted or tilted to a lower position, completely forwardly of the location of the cab when in its normal operational position, as shown in Fig. 1 of Hirsch, not above that position as proposed in the amendment, which achieves the stated objective of lowering the overall height of the cab by the amount H2 for transport.

Nowhere does the Hirsch patent disclose, or even suggest, raising a cab above its predetermined location in the manner as set forth in proposed amended claim 1 to create a space underneath the cab for installation and removal of a combine rotor therethrough, nor would that be consistent with the stated purpose of the invention of that patent. Applicant therefore respectfully asserts that proposed amended claim 1 is patentably distinguishable over Hirsch and allowable.

Proposed amended claims 2, 3 and 12 depend from claim 1 and add still further distinguishing limitations thereto and thus are also believed to be allowable.

Proposed amended claim 4 includes the recitation that the frame portion of the apparatus includes a front end disposed forwardly of the body, and a cab disposed at a predetermined location above the front end forwardly of the body, and a linkage assembly operatively connected to the frame portion and to the cab and operatively movable for raising the cab substantially directly above the predetermined location above front end sufficiently to allow the installation and removal of the rotor through the front end underneath the cab. Again, this combination of limitations of proposed amended claim 4 is not disclosed or even suggested in the cited Hirsch patent and Hirsch teaches moving the cab to lower its height, not raise it as in the proposed amended claim. Therefore, proposed amended claim 4 is believed to be patentably distinguishable over Hirsch and allowable.

Claims 5, 6 and 13 depend from proposed amended claim 4 and add still further distinguishing limitations thereto. Those claims are also believed to be allowable in combination with their base claim.

Proposed amended claim 7 requires a cab disposed in a predetermined orientation and located at a predetermined location forwardly of the housing of that harvesting combine, and the cab to be operatively connected to the linkage assembly to allow the

cab to be raised while remaining at least substantially in the predetermined orientation and at the predetermined location forwardly of the housing. Referring to the Hirsch patent, it is noted in reference to Fig. 2 that the cab is tilted from its operative location to a lower, more forward location, not raised in its original orientation above its original location. For the foregoing reasons, the proposed amended claim 7 is believed to be patentably distinguishable over Hirsch and allowable.

Claim 8 is directed to a method of installing a rotor in a harvesting combine requiring the step of providing a cab disposed at a predetermined front to rear location in front of a housing of the combine and operatively connected to a linkage assembly operatively connected to the front end of the frame portion of the combine. Claim 8 further requires the step of moving the linkage assembly for raising the cab to an up position substantially directly above the predetermined front to rear location and installing the rotor in the housing by passage underneath the cab when in the up position. Hirsch discloses no method of installation of a rotor whatsoever, nor the provision of apparatus of any kind for raising a cab directly above its front to rear location on a harvesting combine for installing a rotor by passage underneath the cab. Accordingly, proposed amended claim 8 is believed to be patentably distinguishable over Hirsch and allowable.

Claim 9 depends from proposed amended claim 8 and adds still further distinguishing limitations thereto and is therefore also believed to be allowable.

Claim 10 is directed to a method of removing a rotor from a harvesting combine again requiring the step of providing a cab disposed at a predetermined location on the front end of the combine and operatively connected to a linkage assembly connected to the front end, and the step of moving the linkage assembly for raising the cab to an up position substantially directly above the predetermined location for passage of the rotor

underneath the cab. For the reasons set forth previously herein, Applicant respectfully asserts that no such method including the proposed limitations is disclosed in Hirsch and therefore proposed amended claim 10 is believed to be patentably distinguishable over Hirsch and allowable.

Claim 11 depends from proposed amended claim 10 and adds still further distinguishing limitations thereto. Accordingly, allowance of that claim is also requested.

Claim 14 depends from proposed amended claim 7 and adds still further distinguishing limitations thereto. Accordingly, allowance of that claim is also requested.

Based on the foregoing, all of the claims in the present application, as proposed, are believed to include limitations which patentably distinguish them from the cited reference. The cited reference in no way discloses or suggests all of the elements and steps of the proposed claims. Accordingly, entry of the present amendment and favorable action and allowance of the claims is respectfully requested.

If the Examiner has any comments or suggestions for placing the present claims in better condition for allowance, Applicant's undersigned attorney would appreciate a telephone call at the number listed below.

Respectfully submitted,

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